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## A curb on leaks need not doom democracy

The suggestion that something might be done to put a stop to the flood of leaks of classified material from congressional committees and their staffs — and from the executive branch itself — is likely to provoke strong reactions.

Frank Church, chairman of the Senate Intelligence Committee, for instance, quite

In fact, the restraints are non-existent. Since the case of Daniel Ellsberg and the Pentagon Papers was thrown out of court nearly three years ago, there has been no serious effort to prosecute anyone for the theft or release of government secrets. There are laws on the books, of course, against espionage and endangering national security, but they have not been invoked in recent times against the publication of classified documents by the press.

In the past, some informal restraints existed. The Congress was not so demanding, and the executive was not so complacent in making classified material available. Within the Congress and the executive branch also, considerably more discipline and discretion were exercised in divulging secrets. Even the press occa-

sionally showed self-control in not publishing what was recognized as being against the national interest.

All this went by the boards some time ago. Since Vietnam and Watergate, the governmental ethic in this country has become one of uninhibited exposure, with the enthusiastic cooperation of the press. Too often, the national interest is defined as whatever embarrasses the man in the White House. And in the minds of a good many people, there arises a question of how long the nation can put up with this kind of government.

It happens that the possible alternatives do not necessarily imply the end of democracy as we know it. Great Britain is not a notably repressive state. And yet the British somehow have managed to live since 1911 with an official secrets act which prescribes severe criminal penalties for anyone who discloses classified government information to an unauthorized person.

No one, to be sure, would take the British law as a model for the United States. The official secrets act is so broad and so vague that it is practically unenforceable, and it is in the process of being amended.

The point is simply that the complete license that exists in this country can be curbed by appropriate legislation without doing any real damage to our essential freedoms. And in the face of a breakdown of necessary government confidentiality, a great many people, I suspect, would favor some form of restraint, both on the people who reveal the secrets of the government and on those who publish them.

literally quivers with indignation at the idea. In his view, a law that would prevent the publication of classified documents or impose penalties on those (including congressmen) who release them without authorization would mark the end of freedom in this country and the beginning of a Soviet-type police state.

Others, who hold a contrary opinion, are equally emphatic. To them it is intolerable that the most sensitive government secrets, supplied to the Congress supposedly for legislative purposes, should be routinely leaked to the press. Since the publication in the New York Times of most of a top-secret draft report of the House Intelligence Committee, even some congressmen are beginning to express doubts that present restraints are adequate.

